

To: Chin, Lucita[Chin.Lucita@epa.gov]; Minter, Douglas[Minter.Douglas@epa.gov]; O'Connor, Darcy[oconnor.darcy@epa.gov]
From: Boomgaard, Craig
Sent: Fri 8/9/2013 7:15:40 PM
Subject: FW: MOA
MEMORANDUM OF AGREEMENT_08062013(Emergency Inspection Issue Remaining).docx

All –

In talking with Kevin today, he indicated that we clearly had the legal authorization to show up unannounced (emergency situation). It appears that the state would like to silently acknowledge this instead of highlighting it. This is his suggested language. Any thoughts?

I included the language that Douglas wrote up as a proposal to the previous language contained in the MOA for reference:

“While EPA will make every effort to notify the Commission in advance in emergency situations, there may be emergencies in which EPA may not give the Commission advanced notification. In such cases, the Regional Administrator may waive the seven day advance notification requirement.”

I have also attached the full file for review. The inspection section should be the only section with changes.

Craig Boomgaard

303-312-6794

From: Connors, Kevin C. [mailto:kcconnors@nd.gov]
Sent: Friday, August 09, 2013 1:08 PM
To: Boomgaard, Craig
Subject: MOA

This section of the MOA contains the last remaining issue to be resolved. Here is my latest suggestion for language that works. After reviewing Section 1431(a) of the SDWA and much thought, I decided that there is no need to restate what is already in the Act. So I think it would be most appropriate to leave it at a 7 day notification and if a emergency exists as defined in Section 1431 (a) then the SDWA clearly states EPA's authority.

I. Inspection and Surveillance by EPA

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The Regional Administrator may select Class VI injection well facilities and activities within the State for EPA inspection. EPA may conduct such inspections jointly with the Commission. Upon request of the Regional Administrator to participate in occasional compliance evaluation inspections scheduled by the Commission, the Commission shall give the Regional Administrator adequate notice of inspections scheduled by the Commission during the next quarterly reporting period. The Regional Administrator may also choose to conduct inspections independently of the Commission's schedule. In such cases, the EPA shall notify the Commission of any proposed Class VI injection well facility inspection within the State of North Dakota at least seven (7) days before any inspection that EPA determines to be necessary. This procedure will allow coordination of scheduling and allow joint inspections.

Kevin C. Connors

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